

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

United States of America,)	CR. No.: 8:85-cr-00166-GRA
)	
)	ORDER
)	(Written Opinion)
v.)	
)	
Harold J. Smith,)	
)	
Movant.)	
)	

This matter is before the Court on Petitioner's request for a transcript of his trial and sentencing hearings, filed on July 11, 2008.

This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Hughes v. Rowe*, 449 U.S. 5, 9-10 (1980), *Gordon v. Leake*, 574 F.2d 1147, 1151 (4th Cir. 1975), *cert. denied*, 439 U.S. 970 (1978). A federal district court is also charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Cruz v. Beto*, 405 U.S. 319 (1972).

If Petitioner wishes to obtain copies of transcripts at the expense of the government, he must properly demonstrate that he is an indigent litigant and show a particularized need for the documents. *See Britt v. North Carolina*, 404 U.S. 226, 228; *Hardy v. United States*, 375 U.S. 277, 282 (1963); *Jones v. Superintendent, Virginia State Farm*, 460 F.2d 150, 152-53 (4th Cir. 1972). "It is settled in this

circuit that 'an indigent is not entitled to a transcript at government expense without a showing of the need, merely to comb the record in the hope of discovering some flaw.'" *Jones*, 460 F.2d at 152 (quoting *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963)). Petitioner has not demonstrated any particularized or substantial need for the transcripts.

IT IS THEREFORE ORDERED that Petitioner's motion for a transcript be DENIED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina
September 9, 2008

NOTICE OF RIGHT TO APPEAL

Petitioner has the right to appeal this Order within ten (10) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.